

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

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MICHAEL KLEIN,	)	Case No.: 2:11-cv-12150
	)	
Plaintiff,	)	
	)	Hon.
v.	)	
	)	
PORTFOLIO RECOVERY ASSOCIATES,	)	<b>Demand for Jury Trial</b>
LLC,	)	
	)	
Defendant.	)	

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**COMPLAINT AND JURY DEMAND**

MICHAEL KLEIN (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

**PARTIES**

5. Plaintiff is a natural person residing in Lake, Clare County, Michigan.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)* and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiff.
8. Defendant is a limited liability company located in Norfolk, Virginia.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

10. Beginning in approximately April of 2010, Defendant placed collection calls to Plaintiff seeking and demanding payment for a Discover credit card debt that was paid in full by Plaintiff on August 29, 2003.
11. Defendant called Plaintiff from 626-209-2241, 859-918-0780, 757-961-3544, 678-265-1568, 702-410-7069, 847-994-2540, 858-346-1148, 847-994-2540, and placed two to three (2-3) collection calls per day to Plaintiff.
12. During the abovementioned calls, Defendant repeatedly hung up the phone without leaving voicemail messages for Plaintiff.

### **COUNT I** **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

13. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt;
  - b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's phone to ring repeatedly; and
  - c. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by calling Plaintiff and hanging up without leaving a

voicemail message.

WHEREFORE, Plaintiff, MICHAEL KLEIN, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

14. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
16. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, MICHAEL KLEIN, demands a jury trial in this case.

DATED: May 17, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss  
Michael S. Agruss  
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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF MICHIGAN

Plaintiff, MICHAEL KLEIN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, MICHAEL KLEIN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

5/12/2011  
Date

  
MICHAEL KLEIN